

FILED

MAR 29 2019

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF TEXAS

Clerk, U.S. District Court  
Texas Eastern

CRAIG CUNNINGHAM,  
Plaintiff,

V.

Air Voice, Inc  
Defendants

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Case 4:19-cv-00096-ALM-CAN

**PLAINTIFF'S Motion to Strike the Defendant's answer**

1. The Plaintiff hereby files this motion to strike the defendant's answer.

**The Defendants answer is improper as the parties filing it are not licensed attorney's in Texas**

2. As an initial threshold matter, the pleading filed is appears to be filed on behalf of a corporation by a non-attorney. A corporation must be represented in court by a licensed Texas attorney, and it is improper for a corporate officer to file a pleading on behalf of his corporation.

**The Defendant's are in default and filing an answer is untimely and should not be considered by the court**

3. The Defendants were properly served and the return of service is on file with the court. The Defendants have failed to answer within the defined timeframe, and as such are in default by the clerk. Filing an answer after a default is issued is improper and does not cure the default by the defendants. The answer should be stricken on this basis or not considered by the court.

**The Plaintiff has not sued the wrong party.**

4. The Plaintiff intended to sue Air Voice Inc., and properly sued, served, and defaulted the correct party.



Craig Cunningham

Pro-se 3000 Custer Road, ste 270-206, Plano, Tx 75075

3/29/2019 615-348-1977

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## Certificate of Service

I certify that a true copy of the foregoing was sent via usps first class mail to the defendants in this case.

*Craig Cunningham*  
Craig Cunningham

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